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June 6, 2003

EPA Docket Center
Environmental Protection Agency
OEI Docket (28221T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Docket ID: OEI-2003-0003

Dear Ladies and Gentlemen:

CDM Federal Programs Corporation (CDM) is a current prime contractor to EPA and has worked under many contracts to EPA since 1984. During that time the majority of CDM's contracts have been under the Superfund program which carries a large burden for long-term retention of contract documents and tends to be the focus of numerous requests for information or document delivery in response to Freedom of Information Act (FOIA) requests, subpoenas and other demands for documents. Because many of these requests include demands for CDM proposals, work plans and invoices, the documents often contain information which CDM considers business confidential and therefore entitled to protection from release on the basis that disclosure could harm CDM's competitive position in the marketplace. We are therefore experienced at receiving such requests and submitting letters justifying protection of CDM's confidential business information.

In response to the specific questions posed in the referenced Agency Information Collection Request, CDM provides the following information:

1. Average number of substantiation requests received on an annual basis: 1-5; number of CBI substantiation letters submitted per year: 1-5, depending on the documents requested.
2. Average number, type and level of staff involved in preparing a substantiation of CBI claim: 1 junior professional staff or paralegal, 1 manager, 1 lawyer.
3. Average number of hours per staff type and level required to prepare substantiation of CBI claim: The answer is dependent on type, number and age of documents demanded. If standard documents (e.g., invoices, progress reports, work plans, technical reports), then typical response requires approximately 3-4 hours to prepare, review and obtain signature. If request requires that documents be retrieved from other offices or the warehouse (archived documents), then documents must be reviewed prior to preparation of substantiation. The



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volume of documents involved may also impact the amount of time required to prepare the response.

Because it is impossible to cover all potential document request circumstances in this estimate, the following estimate applies to a routine substantiation of claim wherein the typical documents are the examples mentioned above and no search and review of documents is required:

- a. Read/review EPA's substantiation request: 15 minutes each (paralegal and manager)
- b. Review information claimed confidential: 1-2 hours (paralegal and manager)
- c. Prepare substantiation: 1-2 hours (paralegal, manager and legal review)
4. Due to confidentiality reasons we are reluctant to provide hourly rates for individual staff members; however, a weighted average raw (unburdened) hourly rate for the effort distributed in Items 3.a-c above is \$21.

It should be noted that if documents must be searched from databases, located in warehouses or other offices and physically reviewed, the number of hours of the junior staff member or paralegal will increase substantially and may require assistance from other staff such as warehouse persons, clerical staff or technical staff familiar with the documents requested.

CDM appreciates the opportunity to respond to your request for information.

Very truly yours,

Mary L. Atkinson

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